



United States Department of the Interior



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DECISION

Barrick Gold Exploration Inc..

Attn: Ed Cope

Vice President

293 Spruce Road

Elko, NV 89801

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Surface Management

Horse Canyon/Cortez Unified Exploration Project Modification to the Plan of Operations and Addendum to the Plan of Operations Approval Determination of Required Financial Guarantee

INTRODUCTION

The Bureau of Land Management (BLM) has prepared an Environmental Assessment (EA), DOI-BLM-NV-B010-2015-0005-EA that analyzes the affected environment, environmental impacts, and identifies environmental protection measures associated with the Barrick Gold Exploration Inc. (Barrick) *Horse Canyon/Cortez Unified Exploration Project Plan of Operations Agency-Requested Modifications NVN-066621 (13-1A) and Reclamation Permit No. 159* (Modification Plan) which was received on September 18, 2013, and the *Horse Canyon/Cortez Unified Exploration Horse Canyon/Cortez Unified Exploration Project Addendum to Plan of Operations Modification NVN-066621 (13-1A) and Reclamation Permit No. 159* (Addendum Plan) which was received on October 14, 2013 for the Horse Canyon/Cortez Unified Exploration Project (Project). The Modification Plan and the Addendum Plan were submitted in accordance with the BLM Surface Management Regulations 43 Code of Federal Regulations (CFR) 3809, as amended. The Modification Plan has been assigned BLM case file number NVN-066621 (13-1A), and the Addendum Plan has been assigned case file number NVN-066621 (14-1A). The Project Area includes approximately 22,307 acres; there are approximately 21,079 acres of public land. The Project is located within all or portions of Township (T) 26 North (N), Range (R) 47 East (E) (sections 1, 2, 3, 11, and 12); T26N, R48E (sections 1-17, 20-29, and 32-36); and T27N, R48E (sections 14, 15, 20, 22, 23, 26-29, and 32-36), Mount Diablo Base and Meridian (MDB&M), Eureka and Lander Counties, Nevada (Project Area).

BACKGROUND

Barrick submitted the Modification Plan and Addendum Plan (File Numbers: NVN-066621 (13-1A, 14-1A)) in response to two Notice of Noncompliance Orders issued to Barrick by the BLM in 2012 and 2013. The Orders cited noncompliance with 43 Code of Federal Regulations (CFR) 3809 Surface Management Regulations. The Modification Plan was submitted by Barrick as required by the 2012 Order. The submittal included a new accounting of surface disturbance, an updated Reclamation Cost Estimate (RCE), a revised reclamation plan, and a reclamation financial guarantee to cover disturbance contained in the Modification Plan.

The Addendum Plan was submitted by Barrick as required by the 2013 Order. The Addendum Plan included an inventory of communication devices, sites, and locations where surface disturbance associated with the communication equipment has occurred or where appurtenances or devices are temporarily or permanently affixed or located on the ground within the Project boundary. The 2013 Noncompliance Order was subsequently lifted by the BLM Decision dated March 13, 2014.

In conducting the new assessment of disturbance, Barrick discovered that there were not adequate management controls to identify and verify actual surface disturbance. As a result of the new assessment, Barrick identified that exploration-related disturbance had exceeded the level authorized by the Plan. The total exploration-related disturbance is currently 409 acres, which includes 72 acres of open and active roads, 86 acres of open and active drill pads and sumps, one acre of communication sites, and 250 acres of surface disturbance that have been recontoured and seeded. None of this acreage has been released from the reclamation requirements and financial guarantee by BLM or the Nevada Division of Environmental Protection (NDEP).

Exploration activities of the Proposed Action will include overland access, new road construction, geophysical analysis, trenching, test wells, monitoring wells, construction of exploration drill pads and sumps, drill holes, and reclamation. These activities would be tracked according to the reclamation survey protocol outlined in Appendix A of the EA. Barrick will have three reporting obligations: (1) Barrick will provide an annual work plan to the BLM by March 1 of each year, which documents work to be completed in the upcoming year including proposed locations for drill roads, drill pads and reclamation, and a map of the proposed construction; (2) Barrick will provide an annual summary report to the BLM and NDEP by April 15, which documents actual work completed during the previous year including any Greater sage-grouse Environmental Protection Measures (EPMs) completed and a list of which drill holes were left open and the reason for this action; (3) Barrick will submit to the BLM a short letter report each quarter with the disturbance data collected for the previous three months.

The public land within the Project is administered in part by the BLM Battle Mountain District (BMD), Mount Lewis Field Office and in part by the BLM Elko District, Tuscarora Field Office. The BLM has designated the Mount Lewis Field Office, BLM BMD as the agency decision-maker for this Project Plan of Operations Modification, Addendum, and Environmental Assessment (EA).

The EA was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and in compliance with applicable regulations and laws passed subsequently, including the President's Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508), U.S. Department of the Interior requirements, and guidelines listed in the BLM NEPA Handbook H-1790-1 (BLM 2008a)

PUBLIC INVOLVEMENT

In compliance with the National Historic Preservation Act (NHPA), as amended, the BLM initiated NHPA and government-to-government consultation for the Project Plan Modification, Addendum, and Amendment EA on October 31, 2014 by sending letters to the following tribal groups: Battle Mountain Band of the Te-Moak Tribe of Western Shoshone, Duckwater Shoshone Tribe, Elko Band of the Te-Moak Tribe of Western Shoshone, Te-Moak Tribe of Western Shoshone, and Yomba Shoshone Tribe. The Duckwater Shoshone tribe requested a site visit in a letter to the BLM dated November 17, 2014. To date, a site visit has not been scheduled.

The EA was made available for a 30-day public comment period ending on January 5, 2015. Notifications of the availability of the EA were sent to persons and agencies on the Project mailing list and the EA was posted on the Battle Mountain District ePlanning webpage. Additionally, the BLM issued a press release on December 5, 2014 providing a link to the EA and instructions on how to comment. Four comment letters were received from the public or other federal, state, or local agencies. Substantive comments were evaluated and considered by BLM during the decision making process. Minor corrections or updates to the EA were made as a result of the substantive comment review. The BLM reviewed and considered these comments and determined that they did not identify or present any significant new information or changed circumstances that would warrant additional NEPA analysis.

All correspondence relative to this planning process is part of the public record and available for review at the Mount Lewis Field Office.

DECISION

1. As a result of the analysis presented in the EA and making a Finding of No Significant Impact (FONSI), it is my decision to approve the Modification Plan and the Addendum Plan with the financial guarantee requirements. The BLM approval of the Modification Plan and the Addendum Plan will be subject to operating, reclamation and monitoring measures by Barrick in the Modification Plan and the Addendum Plan, the performance standards set forth in 43 CFR 3809.420, and the Applicant-Committed Environmental Protection Measures (EPMs) as set forth in the EA and restated in this Decision under the Conditions of Approval.

Approval of the Modification Plan and Addendum Plan by the BLM does not constitute a determination regarding the validity or ownership of any unpatented mining claims involved in the exploration operation. Barrick is responsible for obtaining any use rights or local, state or federal permits, licenses or reviews that may be required before operations begin.

This decision also constitutes concurrence with Barrick's use and occupancy of public lands as described in the approved Plan. Barrick must maintain compliance with the Use and Occupancy regulations at 43 CFR 3715.2, 43 CFR 3715.2-1, and 43 CFR 3715.5, throughout the duration of the approved Plan. Concurrence by BLM on Barrick's proposed use and occupancy is not subject to State Director review, but may be appealed by adversely affected parties directly to the Interior Board of Land Appeals as outlined in enclosed BLM form 1842-1.

Financial Guarantee

This office has determined that the amount of **\$3,498,639.00** is sufficient to meet all anticipated reclamation requirements. The amount of the reclamation cost estimate is based on the operator complying with all applicable operating and reclamation requirements. The financial guarantee provides surface reclamation coverage for operations conducted by the principal on lands in Nevada governed by 43 CFR 3809. Line items in the approved reclamation cost estimate are not to be considered as the limits of the reclamation expenditures should forfeiture of the financial guarantee be necessary. The line items listed are solely for the purpose of arriving at a total amount for the financial guarantee. This amount may be spent as the BLM deems necessary to implement the approved reclamation plan. Nor does the financial guarantee amount represent reclamation liability limits or constraints should the actual cost of reclamation exceed this amount.

Within sixty (60) days of receipt of this Decision, the operator must submit an acceptable financial guarantee in the amount of **\$3,498,639.00** to the Bureau of Land Management, Branch of Minerals Adjudication, 1340 Financial Blvd., Reno, NV 89502-7147. You must receive written notification from that office accepting and obligating your financial guarantee before you may begin the amended actions. Failure to provide an acceptable financial guarantee within the specified time frame will result in an enforcement action against the operator for failure to maintain an acceptable financial.

This amount is subject to change pending further review by the BLM and the Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation (NDEP-BMRR).

2. Conditions of Approval

Wildlife and Sensitive Species

In order to avoid potential impacts to breeding migratory birds, Barrick would have a BLM-approved biologist survey in early spring of each year all areas proposed for drilling or surface disturbance for the presence of active nests. Barrick has committed to conducting pre-disturbance migratory bird nest surveys in the spring and establishing exclusion zones around active nests as part of the applicant-committed EPMs. Additionally, surface disturbance clearance surveys will be conducted following BLM Wildlife Protocols (BLM 2014) when a proposed activity would involve ground disturbance during the nesting season, defined by BLM as March 1 through July 31. When active nests are located, or if other evidence of nesting is observed (e.g., mating pairs, territorial defense, carrying nesting material, transporting food), Barrick's biologist will recommend to the BLM an avoidance buffer around the nest which the

BLM, in coordination with the Nevada Department of Wildlife (NDOW) and the U.S. Fish and Wildlife Service (USFS), will review and approve prior to surface disturbance. Barrick's biologist will inform Barrick when the birds have left the nest. Barrick would not conduct any drilling or surface disturbing activities within the exclusion zone until the biologist determines that the birds are no longer nesting.

Each year during the nesting season (March 1 to July 31), Barrick would not conduct drilling or surface disturbing activities within a 0.5 mile radius of any active raptor nests. Upon identifying an active raptor nest, Barrick would immediately notify the BLM.

Speed limits are posted and vehicle speeds reduced in areas of disturbance to minimize the potential for fugitive dust emissions, to protect wildlife and livestock, and to maintain operational safety. Speed limits would continue to be enforced

Greater Sage-grouse (Centrocercus urophasianus)

Barrick would adhere to EPMs as established by the BLM for Greater sage-grouse lek/strutting grounds and for known nesting and brood rearing areas. Noise generated by exploration activities would not increase ambient levels by 10 A-weighted decibels (dBA) at active leks based upon BLM stipulations (BLM 2014c). The EPM is applicable to potentially affected active leks within four miles of the Project, which currently include the Horse Creek 01 Lek and the New Cortez – Grass Valley Lek. The New Brock Canyon Lek is excluded from the EPM due to topographical features which reduce or eliminate noise generated from the Proposed Action. The EPM is subject to review by a BLM biologist and may be adjusted based on annual surveys of lek activity. Upon identifying any previously unknown Greater sage-grouse lek/strutting ground, nesting or brood rearing area, Barrick would immediately notify the BLM.

To prevent effects at leks from potential increases in noise, Barrick would implement sound reduction measures which may include sound modelling as per BLM protocol (BLM 2014c), placement of a sound barrier at drill rigs, or restriction of drilling operations during seasonal and daily timing periods. If the sound modeling shows no projected increase in noise levels above 10 dBA, no additional measures are needed. If the sound modeling shows an increase in noise levels above 10 dBA or if no modeling is conducted, Barrick would install sound barriers (likely hay bales or similar material) at the drill rig or would adhere to seasonal and time operational restrictions. The restrictions would be in place from March 1 through May 15 from 4:00 a.m. to 10:00 a.m. (BLM 2014c).

BLM acknowledged that a Project-specific Greater sage-grouse map which outlines Preliminary Priority Habitat (PPH) and Preliminary General Habitat (PGH) was developed based on vegetation surveys done by ESCO Associates (ESCO) (ESCO 2014a, ESCO 2014b). Based on recent Nevada BLM guidance provided in IM NV-2015-017 (BLM 2015), the BLM has adopted the following new Greater sage-grouse habitat categories based on USGS mapping by Coates et al. 2014: High (equivalent to the previous PPH designation); Moderate (equivalent to the previous PGH designation); Low; and Non-habitat.

Barrick would provide a Work Plan for future surface disturbance locations to the BLM. BLM may conduct field verification of Greater sage-grouse habitat in areas of proposed surface disturbance to further define habitat impacts.

As outlined in Sections 2.2.3 and 3.9.3.1 of the EA, in order to reduce impacts due to disturbance within Greater sage-grouse habitat, Barrick would provide one or more of the following EPMs in coordination with the BLM:

- Pinyon-juniper removal
- Install Greater sage-grouse flight deterrents
- Exclosures surrounding springs, meadows, and riparian areas
- Payment for Greater sage-grouse mitigation (as outlined below)

Barrick would implement the EPM measures within two years of the DR for the Modification and Addendum Plans; an extension of the timeframe for implementing the EPM may be authorized by BLM. Greater sage-grouse EPMs completed would be reported in the annual disturbance summary report, which is provided to the BLM and NDEP by April 15.

Use of hand-thinning methods (i.e. chainsaw, lop and scatter of slash, etc.) to remove pinyon and juniper trees in areas that are determined to be actively encroaching into Greater sage-grouse habitat would be implemented. Pinyon-juniper would be removed from three acres of encroachment areas for every one acre of Proposed Project disturbance. Pinyon-juniper treatment would be prioritized to occur within the Project boundary, and focus on Phase I and Phase II pinyon-juniper conditions. Treatment activities would not occur within a four-mile buffer from active leks from March 1 through June 30 to minimize the potential for impacts to breeding and nesting Greater sage-grouse. Surveys for migratory birds would be required between March 1 and July 31.

To minimize potential impacts to cultural resources as a result of these measures, several additional actions would be undertaken. As specific treatment sites are identified, a BLM staff archaeologist or BLM permitted archaeologist would evaluate the potential of the area for cultural resources, and would undertake avoidance measures as needed. To reduce the risk of unauthorized collection, field crews would be instructed by an agency archaeologist or BLM permitted archaeologist regarding the importance of cultural resources and the possible penalties under the Archaeological Resources Protection Act for the destruction of archaeological resources. In order to decrease the risk of inadvertent damage to fragile remains, crews would also be instructed to recognize wood and brush cultural resources.

Greater sage-grouse flight deterrents (fence markers) would be attached to fences within Greater sage-grouse habitat at a BLM-determined ratio of number of deterrents for every acre of disturbance. Preferred locations of flight deterrents include fencing near leks and associated buffer areas.

Exclosures would be constructed surrounding springs, meadows, and riparian areas identified by BLM as important Greater sage-grouse habitat.

As outlined in the Memorandum of Understanding (MOU) *Regarding the Establishment of a Partnership for the Conservation and Protection of the Greater Sage-Grouse and Greater Sage-Grouse Habitat* (BLM et al. 2013), payment may be made into a Greater sage-grouse mitigation bank account or other program in an amount equal to the cost of satisfying the target mitigation ratios. Costs for making such improvements on private lands would be based on the Nevada Standardized Reclamation Cost Estimator (SRCE) model. The Nevada SRCE would also provide the basis for negotiating costs for public lands including cost of NEPA compliance (BLM et al. 2013).

Where reclaimed areas are found to adequately address some or all of the impacts to Greater sage-grouse habitat, the required habitat improvement acreage may be reduced or credited on a 1 acre to 1 acre ratio as determined by BLM (BLM et al. 2013).

Bats

Barrick would not conduct surface disturbing activities within 50 feet of existing adits, shaft openings, or caves to prevent any impacts to bat species potentially residing in or near these structures. If a BLM qualified biologist surveys the site and determines that bats are not residing in or near the structure, the aforementioned exclusion zone would not apply.

Pygmy Rabbit (Brachylagus idahoensis)

Barrick will not conduct surface disturbing activity within habitat identified as suitable to support pygmy rabbit until a pre-disturbance survey has been conducted. If active burrows are identified, Barrick would notify BLM to evaluate the potential impact and coordinate with Barrick to devise and implement measures to minimize impacts to the pygmy rabbit and its habitat. These measures may include avoidance.

Other Special Status Species

In the event that other special status plant or wildlife species are identified within the Project, Barrick would not conduct surface disturbing activities within the species' habitat until the BLM can evaluate the potential impact and coordinate with Barrick to devise and implement a plan to avoid the habitat.

All trenches, sumps, and other small excavations that pose a hazard or nuisance to the public, wildlife, or livestock will be adequately fenced to preclude access or constructed with a sloped end for easy egress.

Cultural and Paleontological Resources

Barrick would continue to conduct exploration activities in accordance with all applicable state and federal regulations and the 2005 Programmatic Agreement (PA) among BLM, the State Historic Preservation Office (SHPO), and the Cortez Joint Venture. Before conducting any surface disturbing activities, Barrick would submit to the BLM a 1:24,000 scale map showing the location of proposed activity. For areas that previously have been surveyed at the Class III level,

BLM would then determine which cultural sites need to be monitored and establish an exclusion zone around each site eligible for the National Register of Historic Places (NRHP).

For areas that have not been surveyed at a Class III level, BLM would determine the Area of Potential Effect and whether a Class III survey is necessary. If a Class III survey is required, Barrick would retain a BLM permitted archaeologist to undertake the inventory. Barrick would select a Native American observer from a list of previously used observers to accompany the archaeologist during the inventory to provide information and/or recommendations to the BLM. If the selected Native American observer is not available upon five days' notice, a different observer may be selected. If none is available within a reasonable period, Barrick would document that a reasonable attempt was made to contact the Tribes and obtain an observer. A revised Programmatic Agreement between Barrick, BLM, SHPO, and Tribal entities is currently under development, which may result in an updated Native American observer process.

The archaeologist would submit a report that adheres to the BLM's Cultural Resource Inventory Guidelines documenting the results of the inventory. All documented sites would be protected from surface disturbing activities by an exclusion zone determined by a BLM archaeologist until the BLM assesses whether the site is eligible for listing on the NRHP. If the BLM determines, in consultation with SHPO, that such site is or may be eligible for the NRHP, Barrick would not conduct any surface disturbing activities within the exclusion zone without further authorization from BLM, which may require further environmental and/or cultural analyses. If the site is determined not to be eligible, or BLM determines that existing cultural surveys are sufficient to conclude that no eligible sites exist, Barrick may conduct surface disturbing activities upon notification by the BLM.

If Barrick discovers previously unknown cultural resources while undertaking exploration activities, Barrick would immediately cease any surface disturbing activity within 100 meters/330 feet of the discovery and notify the BLM. If the BLM determines, in consultation with SHPO, that the site is or may be eligible for the NRHP, a BLM archaeologist would determine an exclusion zone adequate to protect the resource. Barrick would not conduct any surface disturbing activities within this exclusion zone without further authorization from the BLM, which may require further environmental and/or cultural analyses. If the site is determined not to be eligible, Barrick may resume surface disturbing activities upon notification by the BLM.

Barrick's employees and contractors would receive training on the potential for cultural resources and the procedures required by Barrick to avoid disturbing, altering, or destroying any remains or any historical or archaeological site, structure, building, or object on federal land. If exploration activities uncover human remains, Barrick would immediately cease all earth disturbing activities within 100 meters/330 feet of the discovery and notify the BLM and county law enforcement so that BLM and/or law enforcement can ensure compliance with all applicable laws regarding such discovery.

If Barrick discovers a vertebrate fossil deposit during surface disturbing activities, Barrick would immediately cease further activities that may affect the deposit and notify the BLM so that the

BLM may evaluate the discovery and establish an exclusion zone. Barrick would not undertake any further surface disturbance within the exclusion zone.

Native American Resources and Concerns

After more than 10 years of ethnographic work and consultation in the Crescent Valley/Cortez/Grass Valley/Pine Valley areas, which included interviews with knowledgeable individuals and groups, compilations of ethnographic research, field tours, and formal government-to-government consultations with federally recognized Native American tribes in the area, BLM determined that Mount Tenabo/White Cliffs and portions of Horse Canyon are eligible for listing on the NRHP as Properties of Cultural and Religious Importance (PCRI). Before conducting any activity in the PCRI areas, Barrick would notify the BLM of the proposed activity so that the BLM may establish exclusion zones as necessary to protect the features identified as contributing elements in the April 19, 2004 eligibility determinations for the PCRI areas. Barrick would not conduct any activity within such exclusion zones without further authorization from the BLM, which may require further environmental and/or cultural analyses. For any activity conducted inside the PCRI areas, but outside of the exclusion zones, Barrick would arrange for a BLM permitted archaeologist and a Native American observer (as provided above) to be on site during new surface disturbing activity to ensure that contributing elements are not adversely affected by the operations.

Survey Monuments

Survey monuments, witness corners, and/or reference monuments would be protected to the extent economically and technically feasible. Should moving such a feature be required, Barrick would ensure that a licensed Professional Land Surveyor oversee and execute the relocation in a manner consistent with applicable laws. The BLM would be notified in writing prior to the moving of any such survey monument.

Public Safety and Access

Public safety will be maintained throughout the life of the Project. All equipment and other facilities will be maintained in a safe and orderly manner.

Drill sites, sumps, and excavations will be reclaimed as soon as practicable after completion of sampling and logging.

Final reclamation of overland travel routes, sumps, and drill sites will consist of, if required, fully recontouring disturbances to their original grade, and reseeding in the fall season immediately following completion of exploration activities. In the event that any existing roads are damaged as a result of Barrick activities, Barrick will return them to their original condition.

Road construction and drainage operations are governed by the provisions of the Project Plan and the State of Nevada General Stormwater Permit NVR 300000 (MSW-798 approved March 2013). Roads would be designed to the minimum standards needed to accommodate intended safe use and to maintain surface resource protection. Where feasible, exploration roads would be constructed along existing contours. Exploration road construction would be conducted in such a

manner as to minimize cuts and fills, including limiting road construction on steep slopes, where possible.

Air Quality

Barrick, in compliance with the NDEP Bureau of Air Pollution Control (BAPC) Surface Disturbance Permit, would protect air quality by undertaking road maintenance activities to reduce fugitive dust emissions. Roads would continue to be watered using fresh water or drill-produced groundwater consistent with the NDEP approval, graveled, or chemically treated to reduce fugitive dust emissions, based upon weather and road conditions. Application of water and/or a dust suppression chemical such as magnesium chloride by water trucks would be done, as needed, in areas of close-spaced drilling and related activity. Barrick would use wet drilling methods.

Speed limits are posted and vehicle speeds reduced in areas of disturbance to minimize the potential for fugitive dust emissions, to protect wildlife and livestock, and to maintain operational safety. Speed limits would continue to be enforced. Project vehicles would continue to be maintained regularly to ensure they are operating in a manner to minimize vehicle emissions.

Water Quality

All drill holes will be plugged in accordance with Nevada Revised Statutes (NRS) 534, Nevada Administrative Code (NAC) 534.4369, and NAC 534.4371, with the exception of drill holes collared with a mud rotary or reverse circulation drill rig and completed with a core rig, which will be plugged prior to the core rig moving from the drill site. As outlined in Section 2.1.2.1 of the EA, Barrick may maintain up to 60 open holes which include both holes which are currently being drilled and other drill holes which have been left open for further exploration work. Barrick must include in the annual summary report which drill holes were left open and the reason for this action.

If any drill hole produces artesian flow, the drill hole will be contained pursuant to NRS 534.060 and NAC 534.378 and will be sealed by the method described in NAC 534.4371. If casings are set in a drill hole, either the drill hole must be completed as a well and plugged pursuant to NAC 534.420, or the casings will be completely removed from the drill hole and then plugged in accordance with NAC 534.4369 and NAC 534.4371.

Barrick would continue to plug all drill holes in accordance with NAC 534.4371 as administered by the NDWR, State Engineer's Office. Barrick would comply with the drill hole abandonment procedures set forth in NAC 534.420 through 534.437 to prevent cross contamination of aquifers or contamination of ground and surface waters.

Storm water BMPs (Nevada Division of Environmental Protection and Nevada Division of Conservation 1994) will be used at construction sites to minimize storm water erosion.

Drill cuttings will be contained on site and fluids managed utilizing appropriate control measures. Sediment traps will be used as necessary and filled at the end of the drill program.

Barrick will follow the Spill Contingency Plan in Appendix C of the revised Plan modification.

Only nontoxic fluids will be used in the drilling process.

Spill Contingency Plan

Materials and equipment necessary for spill cleanup would be kept at each drill rig. Equipment and materials would include, but not be limited to, shovels, gloves, safety glasses, sorbent materials, sand, sawdust, and plastic/metal trash containers specifically for this purpose.

Well-maintained equipment would be used to perform the work required at the Project. When practicable, equipment maintenance would be performed off-site. In the event of oil, fuel, lubricating grease, or other equipment leaks, cleanup would be conducted as soon as possible. If the leak is on compacted soil, an oil-absorbing product, such as Absorb®, may be applied. Once the cleanup product has absorbed the spill material, the product is removed and placed in the petroleum contaminated soil bin located in the laydown yard, and the material disposed of according to state and federal regulations. Any contaminated soil would be removed, managed, and disposed of at an off-site facility in compliance with state and federal regulations. In the event of oil, fuel, or hydraulic fluid leaks, cleanup would be conducted as soon as possible. In the event of a major spill, the following actions would be taken in addition to any federal, state, and local health and safety regulations:

- Contain the spread or migration of the spill using the on-hand supply of erosion control structures and/or by creating dirt berms, as feasible and necessary.
- Regulated wastes will be removed from the Project area and disposed of in a state, federal, or local designated area.
- If a spill of a petroleum constitute is considered to meet the reportable quantity per the NDEP's guidelines (greater than 25 gallons or greater than 3 cubic yards of impacted material) or a reportable quantity for hazardous waste is released based on the U.S. Environmental Protection Agency (EPA) guidelines established under Title III List of Lists (40 CFR Part 302), the BLM and NDEP (775) 687-4670 would be notified within 24 hours and the appropriate remedial actions and confirmation sampling will be conducted under direction of the NDEP.

Soil and Erosion Prevention and Control

Barrick would continue to conduct exploration operations to minimize soil erosion. Erosion and runoff control measures, such as water bars, ditching, and other water control structures would be implemented in areas of surface disturbance. After the exploration program is completed in an area, the surface disturbance would be graded, recontoured, and available topsoil/growth medium replaced, and the area would be seeded with an appropriate and BLM-approved seed mixture in order to establish a ground cover and minimize erosion. Revegetation activities would continue to be commenced at the earliest feasible time following reclamation activities. Best Management Practices (BMPs) utilized to control erosion and sedimentation are detailed in Appendix B of the EA.

Water and Riparian Resources

Natural drainage patterns would not be altered. Drill site construction within drainages would be avoided unless prior approval from the BLM and NDEP is obtained. When drainages must be crossed with a road, BMPs would be followed to minimize the surface disturbance and erosion potential. Temporary culverts and/or straw bales would be utilized to protect drainages. Smaller drainage patterns that could be affected by trench or pad construction would be restored, and all culverts and pipes would be removed upon completion of the exploration program. The following construction and maintenance practices from the BLM Gold Book, Surface Operating Standards and Guidelines, Fourth Edition, Revised 2007 would be implemented:

- All culverts should be laid on natural ground or at the original elevation of any drainage crossed. All future culverts should have a minimum diameter of 18 inches. The outlet of all culverts should extend at least 1 foot beyond the toe of any slope.
- Ditch grades should be no less than 0.5 percent to provide positive drainage and to avoid siltation.
- For “dry bed” or low flow road crossing which do not require a culvert, the drainage would not be filled so that water can flow across the crossing without being impounded.

Barrick would not conduct new surface disturbing activities within riparian or wetland areas without authorization from BLM as outlined below. If Barrick determines that new surface disturbance activities within riparian areas are required, Barrick would submit to the BLM the locations of the proposed drill pads and access roads in an acceptable format (i.e. electronic spatial files). Barrick would not conduct the proposed operations unless authorized by BLM, which may require further environmental analysis, or operating restrictions, or site-specific environmental protection measures. If it is the only practicable alternative, the BLM may authorize surface disturbance within riparian areas if it is determined that the action, as proposed or conditioned, would not impair the long-term function or utility of riparian habitat.

If Barrick determines that new surface disturbance is required within wetland areas, Barrick would not conduct the proposed operations unless authorized by BLM. Any disturbance authorized within wetland areas would be in accordance with E.O. 11990. Specifically:

Sec. 2. (a) In furtherance of Section 101(b)(3) of the National Environmental Policy Act of 1969(42 U.S.C. 4331(b)(3)) to improve and coordinate Federal plans, functions, programs and resources to the end that the Nation may attain the widest range of beneficial uses of the environment without degradation risk to health or safety, each agency, to the extent permitted by law, shall avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

Sec. 5. In carrying out the activities described in Section 1 of this Order, each agency shall consider factors relevant to a proposal's effect on the survival and quality of the wetlands. Among these factors are:(a) public health, safety, and welfare, including water supply, quality, recharge and discharge; pollution; flood and storm hazards, and sediment and erosion;(b)

maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources; and(c) other uses of wetlands in the public interest, including recreational, scientific, and cultural uses.

Existing exploration and reclamation activities within riparian areas would be allowed to continue provided the BLM conduct on-going evaluations of operations to make any riparian mitigation recommendations.

All exploration activities would continue to be conducted using BMPs such that sediments, cuttings, drilling fluids, or any other material or substance will not enter flowing drainages.

Sumps would be excavated and managed to prevent overtopping and saturating the safety berms. Barrick would monitor sumps regularly for seeps or other evidence of erosion and would direct drill crews to cease activity and notify supervisors if seepage is observed. Barrick would ensure that sump evacuation proceeds for as long as drilling or other water-producing activities continue; if evacuation is not possible, Barrick would cease drilling as soon as water levels approach the sump capacity. No trash would be placed in the sumps.

Solid and Hazardous Wastes

The Project would not generate, use or dispose of any hazardous waste. Petroleum products would be used on-site. Petroleum products are excluded as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act Section 101(14). Diesel, oil, and lubricants would be transported to the site in portable containers (e.g., tanks in the pickup trucks for diesel fuel) but would not be stored on-site. If regulated materials (petroleum products) are spilled, measures would be taken under Barrick's spill response guidelines to control the extent of the spill, and the appropriate agencies would be notified in accordance with the applicable federal and state regulations.

Solid waste would be collected at each drill pad and transported offsite periodically for disposal at an approved solid waste facility.

Noxious Weeds, Invasive and Non-native Species

Barrick would be responsible for controlling all noxious weeds in newly disturbed areas until the reclamation activities have been determined to be successful and released by the BLM Authorized Officer.

A noxious weed management plan has been prepared for Project (ESCO 2013). The purpose of the plan is to prevent, mitigate, and control the spread of noxious weeds during and following exploration. The plan prescribes a control protocol using disturbance categories and best applicable control methods for effectiveness. Disturbance categories are applied to areas of Project based on frequency of disturbance. The plan also includes a list of five weed control alternative methods, including manual, chemical, and seeding of desirable species methods, which are applied to each disturbance category.

Barrick would follow the noxious weed management plan (ESCO 2013). As part of weed control measures, Barrick would require that the undercarriage of all contractor vehicles be cleaned prior to entering the Project area if the vehicle is coming from an area outside of northeastern Nevada. A list of State of Nevada weeds can be found at the State of Nevada Department of Agriculture website: http://agri.nv.gov/Plant/Noxious_Weeds/Noxious_Weed_List/

Only chemicals approved for use on public land would be used for invasive, non-native weed treatment. Barrick would conduct weed eradication programs annually in areas of their activities. Areas of known noxious weeds, invasive and non-native species would be avoided during periods when weeds could be spread by vehicles (i.e. periods of potential seed dispersal).

Re-establishment of vegetation in disturbance areas would be conducted as soon as practical to reduce the potential for wind and water erosion, minimize impacts to soils and vegetation, and help prevent the spread of noxious weeds, invasive and non-native species.

Reclaimed areas will be seeded with BLM-approved recommendations for seed mix, application rates, and seeding methods. The BMPs of actively treating noxious weeds, invasive and non-native species upon discovery would also prevent these weed species from spreading and dominating the site. Compliance with the noxious weed management plan (ESCO 2013) would insure exploration activities follow proper BLM protocol regarding noxious weeds, invasive and non-native species.

Vegetation/Forestry and Woodland Resources

Reseeding will be consistent with all BLM recommendations for seed mix constituents, application rate, and seeding methods.

Barrick would minimize where possible any injury or removal of pinyon pine, juniper, aspen, limber pine, or mountain mahogany during activities associated with drill pad and road construction. However, pinyon pine and juniper that has been removed due to exploration or mitigation activities would be made available to the public.

Wildland Fire Protection

All applicable state and federal fire laws and regulations would be complied with and all reasonable measure would be taken to prevent and suppress fires in the Project Area.

In the event the proposed Project activities start or cause a wildfire, Barrick would be responsible for all the costs associated with the suppression.

Barrick will comply with all applicable state and federal fire laws and regulations and all reasonable measures (i.e. vehicle hand tools, extinguisher, contact BLM concerning fire controls on welding) will be taken to prevent and suppress fires in the Project Area.

All Project vehicles will carry fire extinguishers and a minimum of ten gallons of water during the months of May through September.

Adequate fire-fighting equipment, i.e., shovel, Pulaski, extinguisher(s), and a minimum ten gallons of water will be kept at the drill site(s).

Vehicle catalytic converters will be inspected often and cleaned of all brush and grass debris.

Welding operations will be conducted in an area free from or mostly free from vegetation. A minimum of ten gallons of water and a shovel will be on hand to extinguish any fires created from the sparks. Extra personnel will be at the welding site to watch for fires created by welding sparks. Welding aprons will be used when conditions warrant (i.e., during red flag warnings).

Wildland fires will immediately be reported to the BLM Central Nevada Interagency Dispatch Center at (775) 623-3444. Information reported will include the location (latitude and longitude if possible), fuels involved, time started, who or what is near the fire, and the direction of fire spread.

When conducting operations during the months of May through September, the BLM Battle Mountain District Office, Division of Fire and Aviation will be contacted at (775) 635-4000 to determine if any fire restrictions are in place for the Project and to provide approximate beginning and ending dates for Project activities.

Livestock and Range Allotments

Barrick would protect fences, gates, stock ponds, and other range improvements within the Project. Gates would be closed and/or locked as appropriate. Any range monitoring key areas in the Project area would be avoided.

RATIONALE

The Plan in combination with the preceding Conditions of Approval, and the enclosed FONSI, show that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of the public lands will not occur as a result of the exploration activities at the Project.

The Plan is in conformance with the Shoshone-Eureka Resource Management Plan Record of Decision (ROD) which states: 1) "Make available and encourage development of mineral resources to meet national, regional, and local needs consistent with national objectives for an adequate supply of minerals (page 29)," 2) "All public lands in the planning area will be open for mining and prospecting unless withdrawn from mineral entry (page 29)," and 3) final reclamation will ensure public safety and the return of the exploration disturbance to its pre-exploration land uses of grazing, wildlife habitat, and mineral exploration. Final reclamation will also reduce visual contrast created during the exploration operation.

The Plan is in conformance with the President's National Energy Policy Act of 2005 as per Instruction Memorandum (IM-2002-053), as put forth in Executive Order 13212 and will not have an adverse impact on energy development, production, supply, and/or distribution. The EA and FONSI support this decision.

AUTHORITY

This Decision is in conformance with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190) as amended (72 USC 4321 et. seq.); General and Title V of the Federal Land Management and Policy Act of 1976 (FLPMA); 43 CFR Part 3800 Subpart 3809- Surface Management (16 USC et. seq.); and 43 CFR Part 3710 Subpart 3715 – Use and Occupancy Under the Mining Laws.

APPEAL OF THE DECISION

If you are adversely affected by this decision, you may request that the Nevada BLM State Director review this decision. If you request a State Director Review, the request must be received in the BLM Nevada State Office at:

BLM Nevada State Office
State Director
1340 Financial Blvd.
Reno, Nevada 89502-7147

no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless a stay is granted by the State Director. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Nevada State Office to determine when the BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with this office at 50 Bastian Road, Battle Mountain, NV 89820, which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed in this office at 50 Bastian Road, Battle Mountain, NV 89820, within 30 days from receipt of this decision. As the appellant, you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Request for a Stay

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

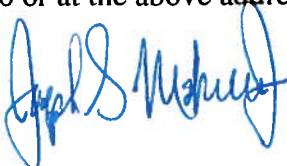
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards

1. The relative harm to parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

Contact

For questions pertaining to this decision, please contact Christopher Worthington, Planning and Environmental Coordinator, at 775-635-4060 or at the above address.

for 
Jon D. Sherve
Acting Field Manager
Mount Lewis Field Office

Enclosures

cc: W. Todd Suessmith
Nevada Division of Environmental Protection
Bureau of Mining Regulation & Reclamation
901 S. Stewart Street, Suite 4001
Carson City, Nevada 89701

Nevada State Office, Branch of Minerals Adjudication (NV-923)

